

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

In the Matter of:)
)
DECATUR EMERGENCY MEDICAL) CASE NO. 14-80531-JAC11
SERVICES, INC.) Chapter 11
)
)
Debtor.)
)

MOTION TO CONVERT CASE TO CHAPTER 7

COME NOW, Debtor Decatur Emergency Medical Services, Inc. ("Debtor"), by and through undersigned counsel, and pursuant to 11 U.S.C § 1112(a) and *Fed. R. Bankr. P.* 1017(f)(2), files this Motion to Convert the above-styled Chapter 11 case to a proceeding under Chapter 7 of the Bankruptcy Code, stating the following in support thereof:

JURISDICTION

1. This Court has jurisdiction over this matter and the parties thereto pursuant to 28 U.S.C. §§ 157(b) and 1334.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

FACTS

4. On February 25, 2014, Debtor filed for relief under Chapter 11 of the Bankruptcy Code.
5. 11 U.S.C. § 1112(b) states that "on request of a party in interest, and after notice and a

hearing... the court shall convert a case under [chapter 11] to a case under chapter 7... if the movant establishes cause."

6. "What constitutes 'cause' for a conversion or dismissal of a chapter 11 case under §1112(b) is subject to judicial discretion under the particular circumstances of each case." *In re Great American Pyramid Joint Venture*, 144 B.R. 780, 70 (Bankr. W.D. Tenn. 1992); *see also, In re Winslow*, 123 B.R. 641 (D. Colo. 1991). Subsection 1112(b)(4)(A) provides for dismissal of a Chapter 11 case where there is an "absence of a reasonable likelihood of rehabilitation."
7. Since the filing of Debtor's case, Debtor's financial situation has deteriorated. Debtor is unable to maintain a case under Chapter 11 in that it would not be able to propose a plan capable of being confirmed. Debtor has thus decided that there is an absence of a reasonable likelihood of being able to confirm a plan, and, therefore, it seeks to convert its case to one under Chapter 7.

WHEREFORE PREMISES CONSIDERED, Debtor respectfully requests that this Honorable Court grant its motion to convert the above-styled case to one under Chapter 7 of the Bankruptcy Code, and grant him such further and additional relief to which he is justly entitled.

Respectfully submitted on this the 14th day of April, 2014.

/s/ Kevin D. Heard

Kevin D. Heard
Attorney for Debtor

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing upon those individuals listed on the matrix, as well as the following via electronic notice and/or U.S. Mail, postage prepaid, on this the 14th day of April, 2014.

Richard Blythe
Bankruptcy Administrator
P.O. Box 3045
Decatur, AL 35602

/s/ Kevin D. Heard

Kevin D. Heard